

IN THE GENERAL SESSIONS COURT OF _____ COUNTY, TENNESSEE

_____)	
Plaintiff)	
vs)	No. _____
_____)	
Defendant)	

**ORDER FOLLOWING PROBABLE CAUSE HEARING DIRECTING
THAT DEFENDANT BE HELD PENDING HEARING FOR
INVOLUNTARY COMMITMENT
UNDER TITLE 33, CHAPTER 6, PART 5, TENN. CODE ANN.**

This matter was heard on _____, _____, based on the certificates of
_____ and _____
completed under Tenn. Code Ann. §33-6-421, which allege that:

1. the defendant has mental illness or serious emotional disturbance, AND
2. the defendant poses a substantial likelihood of serious harm because of the mental illness or serious emotional disturbance, AND
3. the defendant needs care, training, or treatment because of the mental illness or serious emotional disturbance, AND
4. all available less drastic alternatives to placement in a hospital or treatment resource are unsuitable to meet the needs of the defendant, AND
5. if involuntary treatment is not continued, the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under Tenn. Code Ann. §33-6-403.

At the hearing, _____ testified, and the defendant had all rights afforded a defendant under Title 33, Chapter 6, Part 4, Tenn. Code Ann.

The court finds as a fact that:
[Check and complete as appropriate]

1. ☐ the defendant was present at the hearing.
- OR
- ☐ the defendant was present at the hearing and the defendant's conduct at the hearing was so violent or otherwise disruptive that it created a serious risk of harm to the defendant or others at the hearing or so disrupted the proceedings that

they could not be conducted in a proper manner, as a result of which the court ordered the defendant restrained.

OR

- ☐ the defendant was present at the hearing and the defendant's conduct at the hearing was so violent or otherwise disruptive that it created a serious risk of harm to the defendant or others at the hearing or so disrupted the proceedings that they could not be conducted in a proper manner, as a result of which the court ordered the defendant restrained, and restraint being insufficient for the proceedings to be conducted in a proper manner, the defendant was excluded from the proceedings to the extent stated below that was necessary to the proper conduct of the proceedings. The extent of and basis for the defendant's exclusion are as follows:

_____.

OR

- ☐ the defendant waived being present at the hearing in writing under Tenn. Code Ann. §33-3-612(b) and was not present.
2. ☐ the defendant/counsel for the defendant has consented to the testimony of _____ being given by affidavit or deposition, and such testimony was given.

OR

- ☐ the defendant did not consent to the testimony of _____ being given by affidavit or deposition, and such testimony was not given.

If the plaintiff proposes to commit the defendant to a state mental health institute: The court finds that the department of mental health and developmental disabilities has designated _____, a licensed state facility, as having available suitable accommodations.

If the plaintiff proposes to commit the defendant to a licensed public hospital or treatment resource other than a state facility: The court finds that the _____, a licensed public hospital or treatment resource other than a state facility, has available suitable accommodations.

If the plaintiff proposes to commit the defendant to a licensed private or local public hospital or treatment resource, which has contracted with the department of mental health and developmental disabilities to serve such defendants: The court finds that the _____

_____, a licensed private or local public hospital or treatment resource, has contracted with the department of mental health and developmental disabilities to serve such defendants in the region and has available suitable accommodations.

If the plaintiff proposes to commit the defendant to a licensed private hospital or treatment resource:

The court finds that:

[Check one]

1. A. ☐ a parent, legal guardian, legal custodian, conservator, spouse, or an adult relative of the defendant, or any other person has made arrangements to pay the cost of care and treatment in _____, a licensed private hospital or treatment resource,

OR

B. ☐ such a facility chooses to accept the defendant despite the fact that no third person has made arrangements to pay the cost.

Based on the evidence presented at the hearing, the court concludes that there is probable cause to believe that the defendant is subject to care and treatment under Tenn. Code Ann. §33-6-502 and that, if involuntary treatment is not continued, the defendant's condition resulting from mental illness or serious emotional disturbance is likely to deteriorate rapidly to the point that the defendant would be again admissible under Tenn. Code Ann. §33-6-403. The court bases its conclusions on the following findings of fact: *[Enter facts to support conclusions.]*

[ALTERNATIVE TO THE PRECEDING PARAGRAPH]

The court finds as a fact that: the defendant has consented in writing to waive the probable cause hearing and defendant's counsel has waived the probable cause hearing under Tenn. Code Ann. §33-6-420, and the defendant / counsel for the defendant has consented to the testimony of

_____ being given by affidavit or deposition, and such testimony was so given. Based on the certificates and other evidence filed with the court, the court concludes that there is probable cause to believe that the defendant is subject to care and treatment under Tenn. Code Ann. §33-6-502 and that, if involuntary treatment is not continued, the defendant's condition resulting from mental illness is likely to deteriorate rapidly to the point that the defendant would be again admissible under Tenn. Code Ann. §33-6-403. The court bases its conclusions on the following findings of fact: *[Enter facts to support the conclusions.]*

The court finds as a fact that the defendant:

[Check one]

_____ Is indigent.

_____ Is not indigent.

Therefore it is ORDERED:

1. The defendant is to be held for care and treatment at the _____
_____ (hospital or treatment resource) pending a hearing under Title 33, Chapter 6, Part 5, Tenn. Code Ann. and the defendant shall be released not later than _____, _____, (15 days from the date of this hearing) unless the hearing is postponed under Tenn. Code Ann. §§33-3-606 or 33-3-612 or a complaint is filed under Title 33, Chapter 6, Part 5, Tenn. Code Ann. within 15 days of this hearing.
2. The facility shall detain the defendant and give notice of this order to the defendant's spouse or nearest adult relative and to the court in which a petition is filed under Title 33, Chapter 6, Part 5, Tenn. Code Ann.
3. *If the defendant is indigent:* Attorney's fees of \$_____ are assessed for the defendant's attorney and shall be paid under Tenn. Code Ann. §33-3-503.

4. Costs are assessed as follows:

Enter this _____ day of _____,

JUDGE

Approved for entry:

SIGNATURE

SIGNATURE

NAME of ATTORNEY for PLAINTIFF

NAME of ATTORNEY for DEFENDANT

ADDRESS

ADDRESS

PHONE NUMBER

BPR NUMBER

PHONE NUMBER

BPR NUMBER